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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

TITLE OF INVENTION: METHOD FOR IDENTIFYING FUNCTIONAL BIOSYNTHETIC GENES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ United States Application Number 10/573,796 and PCT International
 Application Number PCT/US2004/032407 filed on September 29, 2004,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application, if applicable; and.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: KEASLING, JAY D.

Citizen of: US

Signature: 

Date: 28 April 2006

Inventor two: NEWMAN, JACK D.

Citizen of: US

Signature: _____

Date: _____

Inventor three: PITERA, DOUGLAS J.

Citizen of: US

Signature: _____

Date: _____

Inventor four: WITHERS III, SYDNOR T.

Citizen of: US

Signature: 

Date: 4-28-06

☐ Additional inventors are being named on <<TEXT>> additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

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| | |
|--|---------------------------|
| Inventor five: <u>REILING, KEITH KINKEAD</u> | Citizen of: <u>US</u> |
| Signature: _____ | Date: _____ |
| Inventor six: <u>MARTIN, VINCENT J.J.</u> | Citizen of: <u>CANADA</u> |
| Signature: _____ | Date: _____ |

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FULL NAME OF INVENTOR(S)

Inventor one: KEASLING, JAY D. Citizen of: US

Signature: _____ Date: _____

Inventor two: NEWMAN, JACK D. Citizen of: US

Signature:  Date: 9/21/06

Inventor three: PITERA, DOUGLAS J. Citizen of: US

Signature: _____ Date: _____

Inventor four: WITHERS III, SYDNOR T. Citizen of: US

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PTO/SB/01a (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FULL NAME OF INVENTOR(S)Inventor one: KEASLING, JAY D.Citizen of: US

Signature: _____

Date: _____

Inventor two: NEWMAN, JACK D.Citizen of: US

Signature: _____

Date: _____

Inventor three: PITERA, DOUGLAS J.Citizen of: USSignature: Douglas PiteraDate: 5/1/2006Inventor four: WITHERS III, SYDNOR T.Citizen of: US

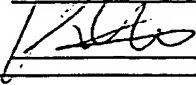
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| Signature: <u></u> | Date: <u>9/21/06</u> |
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| Signature: _____ | Date: _____ |

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FULL NAME OF INVENTOR(S)

Inventor one: KEASLING, JAY D. Citizen of: US

Signature: _____ Date: _____

Inventor two: NEWMAN, JACK D. Citizen of: US

Signature: _____ Date: _____

Inventor three: PITERA, DOUGLAS J. Citizen of: US

Signature: _____ Date: _____

Inventor four: WITHERS III, SYDNOR T. Citizen of: US

Signature: _____ Date: _____

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Inventor five: REILING, KEITH KINKEADCitizen of: US

Signature: _____

Date: _____

Inventor six: MARTIN, VINCENT J.J.Citizen of: CANADASignature: Vincent J.J. MartinDate: April 27TH, 2006

Attorney Docket No. BERK-032
Client Reference No. B03-097-2

Applicant: KEASLING, JAY D. et al.
Serial No. 10/573,796
International Application No. PCT/US2004/032407
International Filing Date: September 29, 2004
For: "METHOD FOR IDENTIFYING FUNCTIONAL BIOSYNTHETIC GENES"
Group: To Be Assigned
Examiner: To Be Assigned

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. § 3.71**

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints practitioners related to customer number:

☒

24353

as its attorney(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

An assignment of the entire interest in the above-identified subject application:

☐

was recorded on at reel/frame /.

☒

is submitted herewith for recording.

Please direct all telephone calls to Paula A. Borden at (650) 833-7710 and all correspondence relative to said application to the following address:

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303

Dated:

April 27, 2006

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature:

Veronica Lanier

Typed Name:

Veronica Lanier

Title:

Acting Director, Office of Technology Licensing, UC Berkeley

Office of Technology Licensing
2150 Shattuck Avenue, Suite 150
Berkeley, CA 94720-1620

copy

ASSIGNMENT

Case No. B03-097-2

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

- | | |
|---------------------------|---------------------------|
| 1. KEASLING, JAY D. | 2. NEWMAN, JACK D. |
| 3. PITERA, DOUGLAS J. | 4. WITHERS III, SYDNOR T. |
| 5. REILING, KEITH KINKEAD | 6. MARTIN, VINCENT J.J. |

hereby sell(s), assign(s) and transfer(s) to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, Twelfth Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

"METHOD FOR IDENTIFYING FUNCTIONAL BIOSYNTHETIC GENES"

and which is found in

- (a) _____ U.S. Provisional Application filed herewith and listing the above named persons as inventors
(b) _____ U.S. Patent Application filed herewith and listing the above named persons as inventors
(c) X _____ U.S. Patent Application Number 10/573,796 and PCT International Application Number PCT/US2004/032407 filed on September 29, 2004
(d) _____ U.S. Patent No.: issued

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenant(s) that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR(S) and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) request(s) the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this Signature of Inventor(s)

- | | | | |
|----|---|-----------------------------|------------------------|
| 1) | <u>28th</u> day of <u>April</u> , 2006 | <u>Jay D Keasling</u> | KEASLING, JAY D. |
| 2) | _____ day of _____, 2006 | _____ | NEWMAN, JACK D. |
| 3) | _____ day of _____, 2006 | _____ | PITERA, DOUGLAS J. |
| 4) | <u>28th</u> day of <u>April</u> , 2006 | <u>Sydnor T Withers III</u> | WITHERS III, SYDNOR T. |
| 5) | _____ day of _____, 2006 | _____ | REILING, KEITH KINKEAD |
| 6) | _____ day of _____, 2006 | _____ | MARTIN, VINCENT J.J. |

ASSIGNMENT

U.C. Case No. B03-097-2

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| 1. KEASLING, JAY D. | 2. NEWMAN, JACK D. |
| 3. PITERA, DOUGLAS J. | 4. WITHERS III, SYDNOR T. |
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- (d) _____ U.S. Patent No.: issued

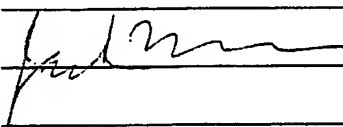
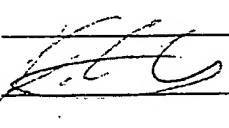
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executed this Signature of Inventor(s)

- | | | |
|----|--|--|
| 1) | _____ day of _____, 2006 | _____ KEASLING, JAY D. |
| 2) | <u>21</u> day of <u>September</u> , 2006 |  _____ NEWMAN, JACK D. |
| 3) | _____ day of _____, 2006 | _____ PITERA, DOUGLAS J. |
| 4) | _____ day of _____, 2006 | _____ WITHERS III, SYDNOR T. |
| 5) | <u>21</u> day of <u>September</u> , 2006 |  _____ REILING, KEITH KINKEAD |
| 6) | _____ day of _____, 2006 | _____ MARTIN, VINCENT J.J. |

ASSIGNMENTU.C. Case No. B03-097-2

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- | | | |
|----|---|------------------------------|
| 1) | _____ day of _____, 2006 | _____ KEASLING, JAY D. |
| 2) | _____ day of _____, 2006 | _____ NEWMAN, JACK D. |
| 3) | <u>1st</u> day of <u>May</u> , 2006 <u>Douglas Pitera</u> | PITERA, DOUGLAS J. |
| 4) | _____ day of _____, 2006 | _____ WITHERS III, SYDNOR T. |
| 5) | _____ day of _____, 2006 | _____ REILING, KEITH KINKEAD |
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| 4) | _____ day of _____, 2006 | _____ WITHERS III, SYDNOR T. |
| 5) | _____ day of _____, 2006 | _____ REILING, KEITH KINKEAD |
| 6) | <u>27TH</u> day of <u>APRIL</u> , 2006 | <u>Vincent Martin</u> MARTIN, VINCENT J.J. |